

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jane Flanagan	Team: Team # 9	CCRB Case #: 200008862	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/28/2000 8:30 AM	Location of Incident: f/o 23 Sunnywoods Drive	Precinct:	18 Mo. SOL 3/28/2002	EO SOL 3/28/2002	
Date/Time CV Reported Tue, 12/26/2000 4:17 PM	CV Reported At: Precinct	How CV Reported: Phone	Date/Time Received at CCRB Tue, 12/26/2000 4:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LCD Vincent Didonato	00000	881575	Pct
2. SGT Edward Mullins	01771	876768	Pct
3. DT2 Teresa Leto	00126	879948	067 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT2 John Guinane	01222	877752	Pct
2. DT2 Joseph Calabrese	04148	877378	067 DET
3. POM George Alvarado	06555	889902	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LCD Vincent Didonato	Abuse: Lt. DiDonato threatened § 87(2)(b) with the arrest of § 87(2)(b) on 8/18/00.	
B.LCD Vincent Didonato	Off. Language: Lt. Didonato used offensive language while speaking to § 87(2)(b) on the phone.	
C.DT2 Teresa Leto	Discourtesy: Dt. Leto spoke rudely to § 87(2)(b)	
D.SGT Edward Mullins	Discourtesy: Sergeant Mullins spoke rudely to § 87(2)(b)	

Synopsis

The complainant, § 87(2)(b) is § 87(2)(b) that is located within the confines of the 67 precinct in Brooklyn. § 87(2)(b) came under investigation by the 67 detective squad for a check writing/embezzlement scheme. § 87(2)(b) alleges that in conversations he had with Lieutenant DiDonato of the 67 in 8/00 regarding his investigation, the Lieutenant threatened to arrest his wife, § 87(2)(b) (*Allegation A*), and also that the Lieutenant referred to § 87(2)(b)'s colleague § 87(2)(b) as a “pencil pushing nigger” (*Allegation B*). § 87(2)(b) and his wife, § 87(2)(b) were arrested for § 87(2)(b). § 87(2)(b) further alleges that on this day both Detective Leto and Sergeant Mullins made rude and disparaging comments to her (*Allegations C and D*). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Summary of Complaint

§ 87(2)(b) § 87(2)(b), stated that he has been the subject of a N.Y.P.D financial investigation since August of 2000 (enc.7A-C). Detectives from the 67 detective squad began looking into his business practices after receiving a complaint against him. § 87(2)(b) stated that he has retained a lawyer in regards to his criminal case and has also filed a notice of claim with the city (16A-C).

§ 87(2)(b) stated that the first he knew of this complaint was when several detectives from the 67 precinct came to his store on 8/18/00. They told § 87(2)(b) that he had to come with them, but allowed him to drive himself to the stationhouse. At the 67 stationhouse § 87(2)(b) met Sergeant Mullins. He then was searched, his picture taken, and he was placed in a cell, as though he had been arrested. After some time § 87(2)(b) was brought out to meet with Lieutenant DiDonato. The Lieutenant allowed § 87(2)(b) to tell his “side of the story” and released him with the understanding that § 87(2)(b) would return to the 67 stationhouse with some paperwork pertaining to the investigation. As § 87(2)(b) was leaving the stationhouse that day, Lieutenant DiDonato threatened him that if he did not bring in the promised paperwork, his wife would be arrested as well (*Allegation A*).

In the following few weeks, § 87(2)(b) spoke to Lieutenant DiDonato on the phone several times. § 87(2)(b) especially remembered one phone conversation he had with Lieutenant DiDonato in which the Lieutenant referred to § 87(2)(b)'s colleague § 87(2)(b) as a “pencil pushing nigger,” which § 87(2)(b) found extremely offensive (*Allegation B*).

On 9/28/00 at around 8:30 AM, § 87(2)(b) walked down the driveway of his home in Long Island to get the newspaper. As he did this, three unmarked cars pulled up the driveway and one officer informed him that he was under arrest. § 87(2)(b) stated that he was shocked at this because he believed that the understanding between his lawyer and the 67 squad was that he would simply turn himself in if it came to an arrest situation. Nonetheless, § 87(2)(b) was placed under arrest at his home. § 87(2)(b) needed to go inside the house and get some pants and shoes before he was brought to the stationhouse. The officers entered the house with him. While § 87(2)(b) was getting his things together, the officers were wandering around § 87(2)(b) house.

When § 87(2)(b) had gotten his things together the officers then brought him down to the station house, where they held him in the cell. Some time later he saw § 87(2)(b) brought in. § 87(2)(b) was brought into Sergeant Mullins' office for what he presumed to be questioning. § 87(2)(b) stated that at some point the door to the office swung open and he could hear Sergeant Mullins say, "get her the fuck out of here, she's stinking up the place" (*Allegation D*). § 87(2)(b) also stated that he later found out that on the day of the incident officers had spoken to several of his neighbors about his arrest.

§ 87(2)(b) was also interviewed § 87(2)(g) (enc.8A-C). She stated that she had been at work on 9/28/00 when the receptionist called her downstairs, saying that there were two police officers who needed to speak to her. When § 87(2)(b) came downstairs there were two officers waiting. They told her that she had to come with them because they needed to speak to her concerning her husband's business. When § 87(2)(b) asked if she was being arrested, the officers responded that she would be if she failed to cooperate with them. § 87(2)(b) asked an officer, later identified as Sergeant Mullins for his identification, which he showed her.

Once they arrived at the 67 stationhouse, § 87(2)(b) was handcuffed and placed in a room. Detective Leto, a female detective, came into the room. She went through § 87(2)(b)'s purse. Detective Guinane then came in and informed § 87(2)(b) that she was being arrested for § 87(2)(b), and then allowed her to call her lawyer and someone to take care of her son. Then § 87(2)(b) was taken to another room where she was questioned a bit by Detective Leto. Also present for this conversation were Sergeant Mullins and another officer, who had driven § 87(2)(b) to the stationhouse (identified as Detective Calabrese). In this conversation § 87(2)(b) alleges that Detective Leto said to her, "what kind of man would let his wife come in here. He must be some kind of pig or something to let his wife take the rap for something that he did" (*Allegation C*). Then Sergeant Mullins said to Detective Leto, "just forget it and get her out of here, she's stinking up the fucking office" (*Allegation D*).

Results of Investigation

A total of five officers were interviewed in regards to this complaint. § 87(2)(g)

§ 87(2)(b) The 67 squad commander, Lieutenant Vincent DiDonato and one of his supervisors, Sergeant Mullins, stated that they had received a complaint in the summer of 2000 that led to the § 87(2)(b) investigation (encs.9A-C,12A-C). The complaint was against a § 87(2)(b) a resident of Long Island but the § 87(2)(b), which falls within the confines of the 67 precinct. The complaint was made by § 87(2)(b). § 87(2)(b) alleged that § 87(2)(b) had issued them a total of nine bad checks and owed them a sum of money totaling over one hundred and sixty four thousand dollars.

In his CCRB interview Lieutenant DiDonato stated that by the middle of August 2000, he felt that he had probable cause to arrest § 87(2)(b) and his co-worker § 87(2)(b). On 8/18/00 both men were brought to the 67 stationhouse and placed under arrest. § 87(2)(b) then asked to speak to Lieutenant DiDonato. He told the Lieutenant that he had been "making good" for his bounced checks through cash deposits. As the Lieutenant had no record of cash deposits, he decided to void § 87(2)(b)'s arrest with the understanding that § 87(2)(b) would provide him with his financial records. In the following weeks Lieutenant DiDonato and § 87(2)(b) had several phone conversations about obtaining the necessary financial records for the investigation. In his CCRB interview Lieutenant DiDonato denied that he ever used the word "nigger" in any of these conversations. The Lieutenant did say that he made it clear in these conversations with § 87(2)(b)

§ 87(2)(b) that, as the owner of the business, § 87(2)(b) could be arrested if he did not cooperate (enc.12A-C). Sergeant Mullins verified that § 87(2)(b) was placed under arrest at the 67 stationhouse and that the Lieutenant had a few phone conversations with § 87(2)(b) between that date and the day of his second arrest. However, Sergeant Mullins was not present for these phone conversations (enc.9A-C).

Detective Guinane was assigned the § 87(2)(b) investigation early in September, but he stated that he did not meet § 87(2)(b) until the day of the incident, 9/28/00 (enc.10A - B). On this day Detective Guinane, Sergeant Mullins, Detective Leto, Detective Calabrese, and two police officers went to the § 87(2)(b) home on Long Island to arrest them. In his CCRB interview Lieutenant DiDonato stated that the reason that § 87(2)(b) was arrested at his home was that he had missed two previous appointments to appear at the stationhouse and had not provided the necessary paperwork. Both he and Sergeant Mullins stated that they went to Long Island with the permission of ADA John Holmes. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Sergeant Mullins, Detective Guinane, Detective Leto and Detective Calabrese all consistently stated that they went to § 87(2)(b)'s home on Long Island in three unmarked cars very early on the morning of 9/28 (9A-C,10A-B,11A-D,13A-B). They waited out front, doing surveillance, until § 87(2)(b) appeared walking down his driveway. At this point the officers converged on the house and arrested § 87(2)(b). By all accounts § 87(2)(b) was extremely compliant. He told the officers that he needed to let his dog in and lock up the house before they left. Sergeant Mullins, Detective Guinane and Detective Leto all stated that they entered the house with § 87(2)(b) while he did this. The officers consistently stated that § 87(2)(b) did not even put long pants on, because he did not want the officers to accompany him upstairs. The officers stated that they remained in the front hall and left the house within five minutes.

Detective Guinane and Officer Diambrose then drove back § 87(2)(b) back to the stationhouse, while the remaining officers looked for § 87(2)(b). Detective Leto and Detective Calabrese went across the street to speak to a neighbor, who did not know where the § 87(2)(b) worked, but told them that the § 87(2)(b)'s son went to school nearby. These detectives and Sergeant Mullins all stated that they then went to the school briefly and got the address of § 87(2)(b)'s place of employment, at another nearby school. The officers then drove to the school and Sergeant Mullins and Officer Alvarado went inside to get § 87(2)(b). They told her that she needed to come down to the stationhouse regarding her husband's business. § 87(2)(b) was compliant but upset and confused. In her CCRB interview statement Detective Leto said, "I felt bad for her [§ 87(2)(b)]" (enc.11A-D) and Sergeant Mullins said that she seemed "totally shocked and ignorant" of the events which had led up to her arrest. Sergeant Mullins recalled § 87(2)(b) asking for his identification, and possibly Detective Leto and Detective Calabrese's identification, which she was provided. Both Detective Leto and Detective Calabrese stated that they transported § 87(2)(b) back to the stationhouse but that she never asked to see their identification or badge.

Once back at the stationhouse, § 87(2)(b) was brought past § 87(2)(b) who was in the holding cell. According to Detective Leto, she sat with § 87(2)(b) asked her some basic questions, and obtained pedigree information. This account was corroborated by Detective Calabrese and Lieutenant DiDonato. Sergeant Mullins stated that Detective Leto interviewed § 87(2)(b) at the stationhouse, but that he was not present for this questioning. According to Sergeant Mullins, Detective Leto later briefed him that § 87(2)(b) did not seem to have any

knowledge of her husband's business practices. Both Detective Leto and Sergeant Mullins denied ever speaking rudely to § 87(2)(b)

Lieutenant DiDonato stated that he had testified before a Grand Jury regarding the § 87(2)(b) investigation. He said that the charges against § 87(2)(b) were dismissed before trial and that the charges against § 87(2)(b) were dismissed in court. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Conclusions and Recommendations

§ 87(2)(g)

§ 87(2)(b) presented his arrest at his home as a complete surprise, when it had been clearly presented to him that he would be arrested if he failed to cooperate. He portrayed the officers' entry into his house on 9/28, and their speaking to his neighbors, as deliberate acts of intimidation, § 87(2)(g)

the § 87(2)(b) filed a notice of claim with the city. This notice of claim asks for four million dollars for lasting "emotional distress" and "psychological torture" (enc.16A-C).

Allegation A, abuse of authority, is that on August 18, 2000 at the 67 stationhouse Lieutenant DiDonato threatened § 87(2)(b) with the arrest of his wife. In his CCRB interview Lieutenant DiDonato stated that he could have told § 87(2)(b) that his wife could be arrested, because she is listed as the owner of § 87(2)(b) and the company attached to it, appropriately called § 87(2)(b). Lieutenant DiDonato stated in his CCRB interview that from the beginning of his contact with § 87(2)(b) he made it clear to him that he was "looking at the big picture," and that § 87(2)(b) could either cooperate with the investigation or be arrested. § 87(2)(g)

§ 87(2)(g) *Allegation B; Lieutenant DiDonato used offensive language while speaking to* § 87(2)(b) § 87(2)(g)

Because it was a telephone conversation between two parties, there are no witnesses to this allegation and no record of the conversation at all. In his CCRB statement, Lieutenant DiDonato mentioned (without being asked) that he had two phone conversations with § 87(2)(b) on different days regarding the investigation. The Lieutenant also freely admitted that in these conversations they discussed § 87(2)(b)'s employee, § 87(2)(b) who is black. § 87(2)(b) alleged that it was § 87(2)(b) the third party in this investigation, who Lieutenant DiDonato

referred to as a “pencil pushing nigger.” § 87(2)(g)

Allegations C and D are both allegations made by § 87(2)(b) concerning her time at the 67 stationhouse on 9/28/00. § 87(2)(b) alleges that she was brought into a room and questioned by Detective Leto, while Sergeant Mullins looked on. § 87(2)(b) alleged that at one point in this questioning Detective Leto got right in her face and said, “what kind of man would let his wife come in here? He must be some kind of pig or something to let his wife take the rap for something he did” (*Allegation C – Discourtesy*). After Detective Leto had questioned her a bit more without learning anything, § 87(2)(b) alleges that Sergeant Mullins stated, “Forget it. Just get her out of here, she’s stinking up the fucking office” (*Allegation D – Discourtesy*).

§ 87(2)(g)

Sergeant Mullins clearly stated that he and Detective Leto took § 87(2)(b) into an interview room at the stationhouse one the day of the incident. He said that he then left them for some time so that Detective Leto could do the questioning and when he came in, she told him that § 87(2)(b) did not know anything. In contrast, Detective Leto stated that she never questioned § 87(2)(b) in regards to the incident at all. Detective Leto admitted to getting § 87(2)(b) s pedigree information and going through her belongings, but nothing further. Detective Calabrese corroborated Detective Leto’s statements, although he was not present for most of the incident. § 87(2)(g)

By all of the officers’ accounts, she seemed genuinely unaware of her husband’s business affairs and shocked at the whole situation. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: